

Baucus: EPA likely to declare health emergency in Libby

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HELENA - W.R. Grace and Co. officials on Thursday questioned the need for the U.S. Environmental Protection Agency to declare a public health emergency in Libby - a move that could pave the way for the EPA to remove potentially dangerous insulation from area buildings.

An EPA official who participated in a meeting between the federal agency and the company that ran Libby's now-closed vermiculite mine said the Washington, D.C., gathering consisted

of about 90 minutes' worth of Grace lawyers and scientists calling into question the need for a Libby health emergency declaration.

"Nobody from the agency said much of anything," said Paul Peronard, the EPA's on-site coordinator for Libby and one of more than a dozen staffers who sat in on the meeting via telephone from Denver.

The meeting was apparently an attempt by W.R. Grace and Co. to influence the EPA's decision - expected by next month - on whether to call Libby's situation a health emergency and to do so, label Zonolite insulation

a dangerous product. The once-popular Zonolite is used in as many as 15 million homes nationwide, so calling it unsafe could have major financial implications for W.R. Grace and Co., which is already in Chapter 11 bankruptcy proceedings.

The regional office of the EPA based in Denver has requested the declaration, which would set up a special circumstance in Libby to allow for removal of Zonolite insulation from roughly 800 homes and businesses.

While EPA and company officials said Thursday's meeting was the unusual, as potentially health-compromising

often ask for private sit-downs with the agency, even U.S. Sen. Max Baucus, D-Mont., was denied access to the conversation. Baucus, who was in Kalispell and Libby on Thursday, asked EPA officials to let him listen in to the meeting by telephone. They refused.

After a chat with EPA Administrator Christie Whitman, however, Baucus said he's comfortable the Bush administration is headed in the right direction on this issue.

Frankly, in listening to her, I had the very strong impression that she's going to decide to make the declaration," Baucus said after talking with Whitman.

"I don't want to breach any confidences, but that was the impression I had."

Whitman, the former Republican governor of New Jersey, told Baucus she was unaware of Thursday's meeting until getting his request to be part of the proceedings. EPA officials also denied a reporter's request last week to listen to the meeting, but U.S. Department of Justice officials were included in the meeting.

Peronard said the bulk of the meeting included presentations from Grace attorneys and attorneys arguing against

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the Denver EPA's proposal to mark Libby a public health emergency. Point-by-point, the company raised questions about the agency's contention. Peronard said. He said Grace representatives contend that asbestosis is largely an occupational-related disease, that

EPA methodology is flawed in assessing the risks of attic insulation and that the agency wrongly inflated the frequency that residents have come into contact with Zonolite.

Peronard said EPA listened to W.R. Grace and Co. officials and will consider their concerns before making a final decision about the health emergency declaration.

"We're taking this information

in," he said. "We'll include it in our evaluation process."

Baucus said he doesn't believe the company will succeed in swaying the EPA.

"Grace is going to have to perform a miracle to overturn the direction which the EPA seems to be going," he said.

"It was only a listening session, not a negotiation," Baucus said of the meeting.

In an interview last week, a

top W.R. Grace and Co. official said his company wanted to meet with the EPA to get a better idea of the science the agency was using to propose the emergency declaration. Bill Corcoran, Grace's vice-president for public and regulatory affairs, did not disclose that the company intended to argue vigorously against the public health emergency declaration. He could not be reached for comment on Thursday.

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